

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

FEB 01 2012

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

DAVID ANTHONY STEBBINS,

Plaintiff - Appellant,

v.

MICROSOFT,

Defendant - Appellee.

No. 12-35082

D.C. No. 2:11-cv-01362-JCC

U.S. District Court for Western
Washington, Seattle

ORDER

The court's records indicate that this appeal was filed during the pendency of a timely-filed Fed. R. App. P. 4(a)(4) motion. The notice of appeal is therefore ineffective until entry of the order disposing of the last such motion outstanding. *See* Fed. R. App. P. 4(a)(4). Accordingly, proceedings in this court shall be held in abeyance pending the district court's resolution of the pending January 26, 2012 motion. *See Leader Nat'l Ins. Co. v. Industrial Indemnity Ins. Co.*, 19 F.3d 444 (9th Cir. 1994).

If appellant wishes to challenge the district court's ruling on the pending January 26, 2012 motion for reconsideration, appellant shall file an amended notice of appeal within 30 days from entry of the district court's ruling on the motion. *See*

Fed. R. App. P. 4(a)(4). A copy of this order shall be served on the district court.

See Fed. R. App. P. 3(d).

FOR THE COURT:

Molly C. Dwyer
Clerk of Court

Corina Orozco
Deputy Clerk